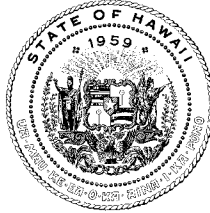
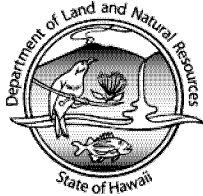


LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESEERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

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BOARD OF LAND AND NATURAL RESOURCES
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RUSSELL Y. TSUJI
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KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**MINUTES
O'AHU ISLAND BURIAL COUNCIL MEETING**

DATE: WEDNESDAY, NOVEMBER 12, 2008
TIME: 8:00 A.M.
PLACE: DEPARTMENT OF LAND AND NATURAL RESOURCES
1151 PUNCHBOWL STREET, ROOM 132
HONOLULU, HAWAII 96813

ATTENDANCE:

Members: Kehau Abad
Alice Greenwood
Hina Falemei
Kehau Kruse
Jace McQuivey
Cy Bridges
Charles Ehrhorn
Shad Kane
Kawika McKeague
Leimaile Quiteves

Absent: Aaron Mahi (excused)
Andrew Keliikoa (excused)

Staff: Linda Kaleo Paik, Cultural Specialist
Vince Kanemoto, Deputy Attorney General
Phyllis "Coochie" Cayan, History & Culture Branch Chief
Nancy McMahon, Deputy SHPO/Archaeology Branch Chief
Pua Aiu, Administrator

Guests: Nalani Dahl, HHCTCP
Faith Miyamoto, DTS
Lawrence Spurgeon, PB Americas
Clyde Shimizu, PB Americas
David Shideler, Cultural Surveys Hawaii, Inc.
Hal Hammatt, Cultural Surveys Hawaii, Inc.
Lani Maa-Lapilio,
Anthony Benzon
Kaanohiokalani Kaleikini

Jeffrey Pantaleo, Jeffrey Pantaleo Consultants, LLC
Mari-Ela David, KHNL
Sisto Domingo, KHNL
Georgette Hugo, RHG

I. CALL TO ORDER

Quorum was established. Chair McQuivey called the meeting to order at 8:05 a.m. Bridges offered the pule.

II. INTRODUCTION OF COUNCIL MEMBERS AND SHPD STAFF & ROLL CALL

Council members, the SHPD staff and the Deputy AG introduced themselves
Attendance was duly noted for the record.

Motion to take items out of order

(Falemei/Greenwood)

Vote: Unanimous

III. APPROVAL OF MINUTES

Corrections to the minutes: page 3 first paragraph correct spelling of set back, omit the word “for” in line 9. Page 4 paragraph 4 change the sentence beginning with “The discussion”, to “The discussion was opened up for the tour of the route.”.

Paragraph 6 add the word “be” between the words “ to” and “accessible”. Page 5 paragraph 2 add the word “be” between “not” and “practical”, paragraph 8 omit the word “the” between “as” and “there”. Page 6 paragraph 2 change Krise to Kruse, Item C add Eng’s first name Henry and spell out DPP to Department of Planning and Permitting. Item D first paragraph change “form” to “from”.

Minutes approved as corrected.

Bridges/McKeague

Vote: unanimous

IV. SHPD INADVERTENT DISCOVERY REPORT

A. Royal Hawaiian Hotel

Waikiki Ahupua‘a, Kona District, Island of Oahu

Information

Cayan reported that there were two more fragments found during construction activities on the project. The remains were gathered and placed in the curation site provided by the project.

B. Fronting Castle & Cook Kaiahulu Recreation Beach Camp Site

[TMK: (1)6-8-003:001]

Mokuleia Ahupua‘a, Waialua District, Island of Oahu

Information

Paik reported that the remains were discovered by individuals walking on the beach. It appeared the remains were uncovered from natural sand erosion. Falemei asked if the remains could be re-interred within the previous re-interment site on the Castle & Cooke property at Kaiahulu. Falemei and Quiteves recommended the re-interment take place as soon as possible. Motion was made to recommend the re-interment of this Kupuna as soon as possible.

Quiteves/McKeague

Vote: unanimous

Quiteves volunteered to meet with Castle & Cooke to ask permission to re-inter these remains on their property.

Kaleikini suggested the State acquire a piece of property in Waialua for re-interments.

Paik agreed but wanted to stipulate that the re-interment site be used for truly inadvertent discoveries such as remains exposed through erosion and not discoveries from construction activities.

V. OPENING REMARKS

Chair McQuivey explained to the public the purpose of the meeting and the council's ground rules for testimony or presentations.

VI. Tour of the Rapid Transit route to begin at 8:30 a.m. and members of the public are welcome to attend but must be on time because the tour is scheduled to begin promptly at 8:30 a.m. The route will include the following areas:

Honouliuli, Ho'ae'ae, Waikele, Waipio, Waiawa, Manana, Waimano, Waiiau, Waimalu, Kalauao, Aiea, Halawa, Moanalua, Kahauiki, Kapalama, Nuuanu, Pauoa, Makiki, Manoa, and Waikiki Ahupua'a, 'Ewa and Kona Districts, Island of Oahu [TMK: Various]

Information/Discussion/Recommendation: Tour of the route, discussion and recommendations.

Shimizu, PB Americas, gave a brief explanation of the legends on the maps distributed and data on the rail system. The funded project is comprised of approximately nineteen linear miles. On the map, the white circles indicate transit power stations and are located one mile apart. The purple blocks are potential maintenance and storage facilities, approximately 35 acres each. These facilities will be used to store vehicles at the end of the day and coordinate operation of the trains. The trains will run during peak periods at three minute intervals and during non-peak periods at six minute intervals. There will be on the average fifty trains running during the day. The project calls for a total of 60 trains, leaving ten trains as spare. The trains will run on dual tracks, east bound and west bound. The trains can be coupled together to accommodate larger occupancy. The typical ride will take forty minutes from Kapolei to Ala Moana, including all stops. Vending machines will be used for ticket purchases.

The spans for the rail will be approximately 150 feet apart. In certain areas where it is feasible, balance/cantilevers, such as those on the H-3, will be used for longer distances. The

maximum distance for the balance/cantilevers is 300 feet. Span distances can be modified if done prior to construction. Columns can be moved or adjusted to avoid sensitive areas. The foundations for the columns will be cast in drill holes, 6-8 feet diameter and 60-80 feet in depth. Each column will have a ground area of 10 square feet. For example, Fort Weaver Road to Leeward Community College is scheduled to have 80 columns. These can be drilled in one week. The height of the columns allows for 16 ½ feet vertical clearance. The footprint of each station will be 50' x 200' ground space.

A Council member asked how much lead time would be required for change. Shimizu will get back to the Council with a response.

Shideler, Cultural surveys Hawaii, summarized the desired outcome of this tour:

- 1) Overview of the project in general and specific terms
- 2) Overview of the known and unknown aspects archaeologically
- 3) Field questions from the Council
- 4) Listen to comments and recommendations from the Council

The archaeological aspects of the project can be broken down into three phases.

- 1) Archaeological Inventory Survey (AIS) for each segment or phase.
- 2) AIS for review and acceptance by SHPD
- 3) Archaeological Monitoring for the entire project

All three of the phases will be in advance of construction for each segment of the rail.

The project will traverse through 12 ahupua'a. The following be assessed for each:

- 1) Geological/geography
- 2) Written historical records such as Land Court Awards (LCA), Royal Patents and Kuleana land records
- 3) Previous archaeology studies
- 4) Oral histories from the past or living individuals knowledgeable about the area

Shideler presented a brief historical background and description of each area and the possible archaeological methodology to be used.

The transit route in the East Kapolei (Honouliuli Ahupua'a) area does not seem to have cultural resources (iwi). The construction of the large maintenance facilities will be in this area and not east of Nu'uani. The soil samples in this section of the route does not indicate coral outcrops. Ground penetrating radar, accurate to 10 feet, will be used in this area. There does not seem to be recorded kuleana lands, according to the Mahele land divisions. Honouliuli Stream (gulch) indicated a high density of agricultural use. Testing will be done on both sides of the stream. The only known burial close to this stream was found approximately 150 meters makai of Farrington Highway (Site -3321 discovered in 1987).

There are some constraints in doing radar testing in certain areas such as road cut backs and utility corridors. The route will follow close to the already existing utility corridors to avoid impacting undisturbed areas.

Ho‘ae‘ae Ahupua‘a area indicates house lot patterns of land use makai of Farrington Highway and agricultural lots on the mauka side. Through most of Waipahu, the route will follow the median of the Farrington Highway. A possible constraint for Farrington Highway will be the narrowness of the median which may be hazardous to conduct the survey.

McKeague asked if adjacent areas will be tested if iwi are found. Shideler responded that the methodology used when iwi are discovered will be to test adjacent areas and if still more are found additional adjacent areas will be tested until the boundary of the discoveries are determined.

The relocation of sewage, water and drainage systems will be under consideration for the project. Abad had concerns to the relocation as the impact would be greater than the disturbances from the columns. Abad recommended that SHPD and OIBC voice this concern to the Department of Planning and Permitting as an ongoing issue for this project. Several members of the Council commented that this was the first time relocation of utilities was mentioned and felt this information was vital to have known.

Shideler continued with his presentation stating there will be very little archaeological survey done in this segment of the route with the exception of the columns. The methods that will be used are ground radar, shovel with backhoe assist and 100% testing of the 8' diameter for the columns is the recommended.

Pearl Highlands station will serve the second highest ridership. The station would service Mililani, Pearl City, North Shore and Waikale. The riders would come by bus to this point or park their vehicles at the parking structure at the station. This area will be much easier to do the AIS.

In the Salt Lake area, the route is still unclear. There are three possible options.

- 1) Use the Salt Lake Boulevard alignment
- 2) Use the Airport alignment via Kamehameha Highway
- 3) Or to build both routes.

The station for this area, if both alignments are built, will be at Arizona Memorial. There is relatively little concern archaeologically at this station. Very little sub surface testing will be conducted. There was a concern regarding the rising sea level and salt water erosion to the rails. Shimizu stated the steel that will be used is much denser than the steel at the stadium and does not anticipate problems with rust.

The Airport route will traverse Aolele to Keahi Lagoon. This area has been studied quite a bit and does not seem to be of concern. The Lagoon station area is predominantly fill and reclaimed lands.

A fish pond was located near the corner of Dillingham and North King Street, 200 meters toward the sea. Shideler pointed out other places of interest and resources along the downtown corridor. Downtown to Ala Moana will be surveyed extensively except in areas with already existing utility lines.

Meeting reconvened at the Board room at 3:20 pm.

Abad was concerned about the absence of kuleana or LCA lands in certain areas of the route. She felt the outskirts of the habitation areas may be more likely to have burials.

Quiteves would like to see a thorough survey done on Naval lands near Leeward Community College.

Greenwood stated that the "Banana Patch" area near Pearl Highlands may be a potential area of concern as lots of iwi were found but were ground up.

Quiteves reiterated her recommendation to investigate the use of longer spans as an option in redesign over sensitive areas. Utilities relocation is also a concern. She also wanted to know if the timelines as stated in the proposals would be followed.

Falemei raised the possibility of a proactive approach to plan for a course of action prior to discoveries. For instance, in the event no discoveries are found, what would the Council's position be or in the event that discoveries are found, what would the Council's position be. Could the Council state up front that preservation in place will be preferred and if the remains cannot be preserved in place could the Council state a position before the discovery of iwi.

Abad would like to have the conversation now to determine under what circumstances the Council would vote for removal.

McQuivey would like as many possibilities discussed up front with the knowledge that no matter how thorough the discussions may be, the reality is that unanticipated situations will arise.

Abad would like to see a clarification of what would be considered a concentration of remains and to have the Council discuss such concerns before the issue presents itself. This issue has been raised several times and is a concern for this Council.

Kanemoto gave his opinion in regards to the legal aspect of a concentration. It would be illegal to come up with a number of remains for rule making. This would be considered Ad Hoc rule making. Council as a whole cannot be tied to a strict confine or pre-determined idea of decision.

Falemei asked what the OIBC contingency plan would be in regards to iwi. The law at present does not reflect cultural practices. If iwi are found will they be left within the span or relocated elsewhere and will there be options and opportunity for recommendation made available to the Council that carries weight in the decision making process.

Kane expressed his appreciation for the tour. He asked if there would be a possibility of having a cultural individual be a monitor on site for the project as he believes there will be cultural resources found in the Ewa area.

Ehrhorn voiced his concern for the station areas. He would like to see these stations given high priority as the area impacted is much larger than the columns. He would like to recommend extensive surveys be done for the stations.

Bridges expressed his appreciation for the tour but cautioned the implication that certain areas would not be sensitive due to the lack of LCA's. He stated Hawaiians were living on this island long before the LCA and Mahele.

The Council expressed their desire to see the rail as an on going agenda item.

Miyamoto thanked the Council and wished to start meeting with the Rail committee. Abad volunteered to chair this committee. Miyamoto reported that the EIS has been posted online and comments can be made until January 7, 2009. A public notice for comment will be forthcoming.

VI. COUNCIL ACTIONS

A. Burial Treatment Plan for the Fanger Property located at 54-327 Kamehameha Highway, Kaipapa'u, Ahupua'a, Ko'olaupua District, Island of O'ahu [TMK: (1) 5-4-03: 3, 52-54]

Informational/Discussion/Recommendation: Discussion and recommendation for the burial treatment plan for the above mentioned project.

McQuivey recused himself for this agenda item. McKeague conducted the meeting for this item.

Panataleo gave a review of the recommendations from the Council and noted recommendations were incorporated in the revised plan. No discussion followed.

A motion was made to accept the Burial Treatment Plan as presented.

Abad/Kane

Vote: unanimous

B. Update on reburials for Oahu

Information/Discussion/Recommendations: Update on the progress of reburials from the State repository and other reburials.

the Paik gave a brief over view of the progress made in the re-interment of Kupuna from repository. Since the last report, Kahana, Koki property, Kualoa, Ka'a'awa, and Punalu'u have been re-interred. Some of Waikiki will be reburied at the Watermark project on November 17. Paik will give another update early next year.

C. Legislative Task Force

Information/Discussion: Council discussion on possible items for the 2009 legislative packet.

McQuivey asked the Council for concerns. There were no comments at this time. McQuivey informed the Council that he has been in contact with Chair Young from the HIBC. The HIBC is only at the conceptual stage of their legislative concerns at this time.

E. Status Update on Section 106/NAGPRA Correspondence
Informational/Discussion/Recommendation:

There was no report from the task force committee at this time but the Council would like to invite June Cleghorn, MCBH, to attend the next meeting to give some updates on projects at the base. The Council noted a lot of correspondence has been received from the MCBH in the past few months and would like to have more information.

VIII. ANNOUNCEMENTS

Lani Maa-Lapilio announced that the Sheraton Waikiki re-interment has been set for November 25, 2008 at 4:30 in the afternoon.

VIII. ADJOURNMENT

Meeting was adjourned at 4:30 p.m.
McKeague/Quiteves
Vote: unanimous

Respectfully submitted by,

Linda Kaleo Paik.